

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

OSCAR STILLEY

PLAINTIFF

V.

CIVIL ACTION NO. 3:19-CV-06-HTW-LRA

WARDEN RIVERS, ET AL.

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes before this Court pursuant to the Report and Recommendation of United States Magistrate Judge Linda R. Anderson. Said document was filed on August 21, 2020. [**Docket no. 37**]. On October 16, 2020¹, Pro Se Plaintiff Oscar Stilley (“Plaintiff”) filed his objections to the Report and Recommendation. [Docket no. 44]. Defendants, on October 23, 2020, filed a Response in opposition to Petitioner’s objections [Docket no. 76], and Plaintiff filed a Reply to Defendant’s Response on November 2, 2020 [Docket no. 46].

Having read all presented reports, briefs, and memoranda, this Court finds that the Report and Recommendation of the United States Magistrate Judge is well-taken; therefore, the Report and Recommendation [**Docket no. 37**] is hereby **ADOPTED** as the order of this Court for the reasons presented therein.

This Court agrees with the Magistrate Judge’s finding that Plaintiff did not exhaust all levels of administrative review for any of his non-FTCA claims as required by federal law; therefore, Plaintiff’s Complaint is untimely before this Court.

¹ This Court granted Petitioner’s requests for additional time to file his objections to the Magistrate Judge’s report. [See ECF Text only Orders dated 9/11/2020 and 10/09/2020].

This Court, therefore, hereby **GRANTS** Defendants' Motions to Dismiss [**Docket nos. 25 and 27**] and **DISMISSES WITHOUT PREJUDICE** Plaintiff's Complaint.

SO ORDERED AND ADJUDGED this the 20th day of November, 2020.

s/ HENRY T. WINGATE
UNITED STATES DISTRICT COURT JUDGE